

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES KUKES,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendant(s).

Case No. 2:22-cv-01444-JAD-NJK

ORDER

[Docket No. 1]

I. DISCUSSION

12 On September 6, 2022, Plaintiff, an inmate in the custody of the High Desert State Prison,
13 submitted a complaint and filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1.
14 Plaintiff's application to proceed *in forma pauperis* is incomplete. Specifically, Plaintiff submitted
15 a state court application to proceed *in forma pauperis* instead of this Court's application and failed
16 to include a signed financial certificate. *Id.*

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

27 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket
28 No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a

1 **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing
2 all three of the required documents. Plaintiff must file a fully complete application to proceed *in*
3 *forma pauperis* on or before **November 7, 2022**. Absent unusual circumstances, the Court will
4 not grant any further extensions of time. If Plaintiff does not file a fully complete application to
5 proceed *in forma pauperis* with all three required documents on or before **November 7, 2022**, this
6 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
7 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
8 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
11 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
12 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
13 **November 7, 2022** to proceed with this case.

14 The Court will retain Plaintiff's complaint, Docket No. 1-1, but the Court will not file the
15 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
16 *pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons,

19 IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis*, Docket No. 1,
20 is **DENIED** without prejudice to file a new fully complete application to proceed *in forma pauperis*
21 with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
23 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
24 information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that, on or before **November 7, 2022**, Plaintiff must either
26 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
27 administrative fee) or file with the Court:

28

- 1 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this Court's
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
3);
4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
5 (i.e. page 4 of this Court's approved form); and
6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
9 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
10 on or before **November 7, 2022**, this case will be subject to dismissal without prejudice for
11 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
12 documents needed to file a complete application to proceed *in forma pauperis* or pays the the full
13 \$402 filing fee.

14 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
15 Docket No. 1-1, but will not file it at this time

16 IT IS SO ORDERED.

17 DATED: September 8, 2022.

18 
19 **NANCY J. KOPPE**
20 **UNITED STATES MAGISTRATE JUDGE**